

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREGORY S. SMALL,

Plaintiff,

v.

WALT HOLLEY, *et al.*,

Defendants.

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Case No. 2:17-CV-737

JUDGE ALGENON L. MARBLEY

Magistrate Judge Jolson

ORDER

This matter comes before the Court on the Magistrate Judge's October 2, 2017 **Report and Recommendation** (ECF No. 5), which recommended that Plaintiff's motion for leave to proceed *in forma pauperis* be denied (ECF No. 1) and that the action be dismissed for failure to prosecute.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (ECF No. 5 at 2–3.) The parties have failed to file any objections, and the deadline for objections (October 16, 2017) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. The case is hereby **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: December 12, 2017